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UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kurt A. DOBBINS et al.

Serial No.: 10/673,161

Filed: September 30, 2003

Group Art Unit: 2154

Examiner: Michael E. Keefer

Atty. Docket No.: 026215-00004

Confirmation No.: 9818

For: METHOD AND SYSTEM FOR ACCORDING PREFERRED TRANSPORT BASED
ON NODE IDENTIFICATION

SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

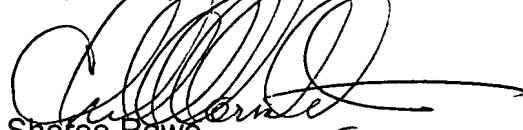
November 19, 2007

Sir:

Submitted herewith for filing in the above-identified application, is a Terminal
Disclaimer.

Attached is a check in the amount of One Hundred Thirty Dollars (\$130.00) to cover
the cost of the fee. In the event that this check is found to be insufficient, or if any
additional fees are due with respect to the filing of this paper, please charge Deposit
Account Number 01-2300, referencing Attorney Docket 026215-00004.

Respectfully submitted,


Sherree Rowe
Reg. No. 59,068 25,895

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Enclosure: Terminal Disclaimer; Response

TECH/553745.1



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TERMINAL DISCLAIMER UNDER 37 CFR 1.321(b)

Commissioner for Patents
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Alexandria, VA 22313-1450

Sir:

Petitioner, Ellacoya Networks, Inc., having its place of business at Merrimack, New Hampshire, represents that it is the assignee and owner of all right, title and interest in and to U. S. Patent Application Serial No. 10/673,161, filed September 30, 2003, for METHOD AND SYSTEM FOR ACCORDING PREFERRED TRANSPORT BASED ON NODE IDENTIFICATION the assignment for the application being recorded in the Patent and Trademark Office on March 19, 2004, at Reel 015120, Frame 0005. Petitioner is also the assignee of all right, title, and interest in U.S. Patent Application Serial No. 10/673,156 filed September 30, 2003, for METHOD AND SYSTEM FOR TAGGING CONTENT FOR PREFERRED TRANSPORT, the assignment for the patent being recorded in the Patent

and Trademark Office on March 19, 2004, at Reel 015120, Frame 0003.

Petitioner hereby disclaims the terminal part, if any, of any patent granted on U.S. Application No. 10/673,161, which would extend beyond the expiration date of U.S. Patent Application Serial No. 10/673,156, when issued, and hereby agrees that any patent so granted on application Serial No. 10/673,161 shall be enforceable only during such period that the legal title to such patent shall be the same as the legal title to U.S. Patent Application Serial No. 10/673,156, this agreement to run with any patent granted on application Serial No. 10/673,161, and to be binding on its grantee, its successors, or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent Application Serial No. 10/673,156 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned on behalf of petitioner, Ellacoya Networks, Inc., hereby states and declares that I have the authority to execute this Terminal Disclaimer on behalf of the petitioner.

Respectfully submitted,

Ellacoya Networks, Inc.

By:

A handwritten signature in black ink, appearing to read "Sheree Rowe", written over a horizontal line.

Sheree Rowe

Attorney for Applicants

Reg. No. 59,068

Date: 11/16/2007